

## INTERVIEW SUMMARY

On May 5, 2010, a telephone interview was conducted between Examiner Kristine K. Rapillo and Applicants' representatives, Mr. John B. Conklin and Mr. P. Raymond Chen, during which the Section 101 and 103 rejections set forth in the January 6, 2010, Office Action were discussed.

During the interview and a later telephone conversation on the same day, the Examiner suggested that an amendment that ties each method step recited in claim 11 with the feature "medical information system" would overcome the Section 101 rejection. The Examiner also advised that any amendments made to the claims should find support in the specification as originally filed.

With respect to the Section 103 rejections based on Paradis and Jones, Applicants' representatives explained that claim 11 seeks to protect a method for scheduling a plurality of exams for a patient, wherein the medical information system applies the scheduled appointment of a first exam for at least one other exam when the first and the at least one other exams require the use of a common resource. In contrast, the cited references do not teach these features. Messrs. Chen and Conklin understood Examiner Rapillo to acknowledge the distinction, but the Examiner thought it was not properly expressed in the current wording of claim 11. The Examiner then suggested an amendment should be made to clarify the distinction. No agreement was reached with respect to the Section 103 rejections.

***REMARKS***

Reconsideration of the pending application is respectfully requested in view of the foregoing amendments and the following remarks.

***Status of the Application***

Claims 1-10 were cancelled in the previous response. Claims 11-17 are pending, with claim 1 being independent. In this response, claims 11 and 12 are amended and new claims 18-26 have been added, including new independent claims 18 and 23.

No new matter has been introduced into the application by way of these amendments. Support for the amendments can be found on pages 5-9, among others, of the application.

***Summary of the Office Action***

Independent claim 11 and its dependent claims 12-17 are rejected under 35 U.S.C. § 101 as not being directed to patentable subject matter. Claims 11-17 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2002/0131572 to Paradis (hereinafter “Paradis”) in view of U.S. Pub. No. 2003/0014284 to Jones (hereinafter “Jones”).

***Response to the Rejections under 35 U.S.C. § 101***

Applicants thank the Examiner for extending the courtesy of an interview. In response to the rejections under 35 U.S.C. § 101, Applicants have amended independent claim 1 to require *inter alia*, that method steps are provided by a “medical information system.”

Support for the amendments can be found throughout the specification as originally filed. For example, the specification recites

[i]n database systems, radiology information systems (RIS) or hospital information systems (HIS), each specific exam type may have a unique code, referred to as exam code, assigned to it. The RIS or HIS system preferably stores internally this code, but displays a human readable expression for the user of the information system, preferably in the language of the operator.

*See Application, page 4, lines 23-19.*

[a] prescribing physician, who prescribes one or more exams for a patient, may define an ‘order session.’

*See Application, page 4, lines 26-27.*

After confirmation, preferably the other exams from the co-exam list, as created and approved in point 190 of FIGS. 1A and 1B, will be automatically scheduled on the same time frame wherein preferably all the information entered into the confirmation screen, will be copied to the other exams.

*See* Application, page 8, lines 20-25. The method and system described and claimed in this application are clearly designed for managing medical information. Therefore, Applicants respectfully submit that no new matter has been added into the application by way of the amendments set forth herein.

Applicants believe the amendments to independent claim 1 overcome the Section 101 rejection, and respectfully request favorable reconsideration of the claims.

*Response to Rejections under 35 U.S.C. § 103(a)*

As stated in the Applicants' September 14, 2009, Response, the combination of Paradis and Jones fails to render claim 11 obvious because neither of them describes the method as claimed which requires *inter alia* scheduling a plurality of medical examinations that share at least a *common medical resource*. In this response, Applicants reiterate this argument, but this time with respect to amended claims 11-17.

In particular, the subject matter of the present application generally pertains to scheduling multiple medical examinations which involve at least one common medical resource, such as physicians, medical devices, medical staff, or an examination room. *See, e.g.*, Application, page 3, ll. 32 to page 4, ll. 4. According to the application, the medical examinations of a patient which share a common medical resource are scheduled for a single time slot, thereby maximizing the utilization of the resources and improves the efficiency. *See, e.g.*, Application, pages 2-3. Hence, when the system detects that at least two exams that are deemed eligible for co-scheduling require the use of a common resource, the schedule is adjusted to accommodate such multiple exams that use the common resource within the same "time frame." *See* Application, pages 5-9.

In contrast, Paradis is limited to synchronizing a patient's schedule with that of several medical resources for purposes of scheduling a single "task." *See* Paradis, ¶¶ [0016], [0019-0020]. The user selects a single "required task" and the required resources necessary for its completion from a pulldown menu. *See* Paradis, ¶ [0018]. Paradis then states that the patient's and the resources' schedules are loaded from a database and an overlap in availability is identified for purposes of scheduling the single task. *See* Paradis, ¶ [0020].

The user is presented with several choices of available times for the task appointment and accepts one of the choices. *Id.*

Notably, Paradis deals with scheduling a single task that requires the use of multiple medical resources. This stands in marked contrast to the invention described in claim 11 which provides a method for scheduling, via a medical information system, a plurality of exams for a patient, each of said exams requiring at least one resource, wherein the method comprising the following steps: (1) displaying by the medical information system a listing of a plurality of exams having a grouping relation; (2) receiving user input by the medical information system for: (a) selecting a first exam and at least one other exam from said list (b) scheduling an appointment for said first exam; (3) checking by the medical information system whether said first and said at least one other exam require the use of a common resource; and (4) applying by the medical information system the scheduled appointment of said first exam for said at least one other exam when said first and said at least one other exam require the use of the common resource.

Nor does Paradis disclose the invention of claim 18 which provides a method for scheduling examinations for a patient, the method comprising: identifying by a medical information system two or more exams for a patient requiring at least one common resource; and scheduling by the medical information system the two or more exams such that the at least one common resource is utilized to perform the two or more exams without interruption by an exam for another patient. Similarly, claim 23 is not disclosed by Paradis, the former providing method for scheduling a plurality of exams for a patient in a medical information system, each of the plurality of exams requiring at least one resource, the method comprising: (1) scheduling an appointment for a first exam of the plurality of exams; (2) determining by the medical information system a second exam in the plurality of exams, wherein the first and second exams require at least one common resource; and (3) scheduling an appointment for the second exam such that the at least one common resource is utilized to perform both the first and second exams for the patient without an intervening use of the at least one common resource by a different patient.

It is respectfully submitted that Paradis fails to teach or suggest all of the features provided in the pending independent claims.

Furthermore, Jones fails to cure the deficiencies of Paradis discussed above. In particular, Jones does not deal with exam scheduling and is instead directed to facilitating medical treatment and billing based on correlating patient data with medical information from groupings of systems of the human body. *See Jones, Figure 2, ¶ [0009].*

Therefore, neither Paradis nor Jones, even if combined, teach or suggest all of the steps required by claim 11, as amended, including, for example, “checking … whether said first and said at least one other exams require the use of a common resource” and “when said first and said at least one other exam require the user of the common resource, applying … the scheduled appointment of said first exam for said at least one other exam.”

Dependent claims 12-17 incorporate all of the requirements of the independent claim 11 and, therefore, are also patentable for at least the same reasons.

Claims 18 and 23 also are patentable over the alleged combination. The combination, for example, fails to disclose the steps required by claim 18 which include, for example, identifying by a medical information system two or more exams for a patient requiring at least one common resource; and scheduling by the medical information system the two or more exams such that the at least one common resource is utilized to perform the two or more exams without interruption by an exam for another patient. Similarly, the asserted combination fails to disclose all of the steps of claim 23, the latter including: (1) scheduling an appointment for a first exam of the plurality of exams; (2) determining by the medical information system a second exam in the plurality of exams, wherein the first and second exams require at least one common resource; and (3) scheduling an appointment for the second exam such that the at least one common resource is utilized to perform both the first and second exams for the patient without an intervening use of the at least one common resource by a different patient.

Conclusion

As Applicants believe the application is in proper condition for allowance, the examiner is respectfully requested to pass the application to issue. If, in the opinion of the examiner, a telephone conference would expedite the prosecution of the subject application, the examiner is invited to call the undersigned attorney.

Respectfully submitted,

/Christopher T. Griffith/

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